DOCUMENT RESUME

ED 434 979 UD 033 156

AUTHOR Torbet, Patricia; Szymanski, Linda
TITLE State Legislative Responses to Violent Juvenile Crime: 1996-97 Update. Juvenile Justice Bulletin.
INSTITUTION Department of Justice, Washington, DC. Office of Juvenile Justice and Delinquency Prevention.
REPORT NO NCJ-172835
PUB DATE 1998-11-00
NOTE 17p.
PUB TYPE Reports - Evaluative (142)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Adolescents; *Community Programs; *Crime; Juvenile Courts; *Juvenile Justice; Prevention; *State Legislation; *Victims of Crime; Young Adults

ABSTRACT

This bulletin presents findings from an analysis of laws enacted in 1996 and 1997 to target serious and violent juvenile crime. The review of the laws included telephone interviews with key personnel in each state. Overall, findings show that states continue to modify age/offense transfer criteria, with some states beginning to study the impact of new transfer laws. States continue to experiment with blended and other sentencing options, and changes in purpose clauses are having impacts on juvenile court dispositions. States are supplementing continued emphasis on secure corrections programming with community-based interventions that stress public safety and offender accountability. Traditional confidentiality concerns are being de-emphasized, and there is an increased emphasis on information sharing. Victims and victims' organizations are increasing their active participation in the juvenile justice process. (SLD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

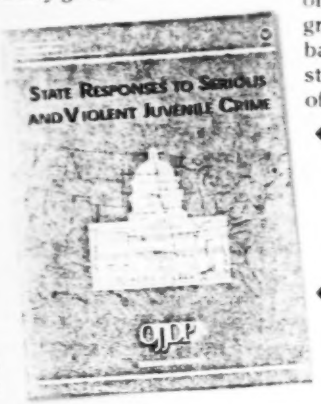
ED 434 979

OJJDP
Shay Bilchik, Administrator
November 1998
JUVENILE JUSTICE BULLETIN

State Legislative Responses to Violent Juvenile Crime: 1996–97 Update

Patricia Torbet and Linda Szymanski

Extensive media coverage of violent crimes by juveniles—especially homicides with firearms—fueled perceptions of a juvenile crime epidemic in the early 1990's. This, in turn, led to a response by governors and legislators to "get tough" on juvenile crime. While there is good news to report—1996 was the second year in a row that the juvenile violent crime arrest rate declined—violence by juveniles is still too prevalent and remains an issue of great concern for the public, legislators, governors, and juvenile and criminal justice practitioners. This Bulletin presents findings from an analysis of laws enacted in 1996 and 1997 to target serious and violent juvenile crime. Highlights of this analysis include the following:



- Jurisdictional Authority: States continue to modify age/offense transfer criteria; some are beginning to study the impact of new transfer laws.
- Judicial Disposition/Sentencing Authority: States continue to experiment with blended and other sentencing options, while changes in purpose clauses impact juvenile court dispositions.
- Corrections Programming: States supplement continued emphasis on secure corrections programming with community-based interventions that stress public safety and offender accountability.
- Confidentiality: States continue to deemphasize traditional confidentiality concerns while emphasizing information sharing.
- Juvenile Crime Victims: Victims and victims organizations increase visibility and active participation in the juvenile justice process.

The Research

In 1996, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released the Research Report *State Responses to Serious and Violent Juvenile Crime (State Responses)* prepared by the National Center for Juvenile Justice (NCJJ). That report documented the extensive changes States made during their 1992 to

From the Administrator

Serious and violent juvenile offenders have precipitated unprecedented change in the juvenile justice system. In 1996, the Office of Juvenile Justice and Delinquency Prevention published *State Responses to Serious and Violent Juvenile Crime*. The Report summarized changes in jurisdictional authority, sentencing, corrections programming, confidentiality of records and court hearings, and victim involvement in juvenile proceedings, undertaken by States from 1992 through 1995.

Initially, these changes focused on the small percentage of serious and violent juvenile offenders. In recent years, however, States have revised policies and procedures that impact the juvenile justice system as a whole and the full range of offenders. During the past 2 years, additional States have passed reforms and their forerunners have refined past reforms in light of their experiences. *State Legislative Responses to Violent Juvenile Crime: 1996–97 Update* summarizes those changes.

It is my hope that by documenting these changes and beginning to analyze their results, we will help States to learn from each other about the most effective reforms taking place across the country—reforms which both serve the public's safety and enhance the rehabilitation of our juvenile offenders.

Shay Bilchik
Administrator

BEST COPY AVAILABLE

Juvenile Violence: The Facts of the Matter

The juvenile violent crime arrest rate remained relatively constant from the early 1970's to the late 1980's, increased 64% between 1988 and 1994, and dropped 12% from 1994 to 1996. Similarly, the number of juveniles arrested for murder more than doubled between the mid-1980's and the peak in 1993, representing a percentage change far greater than the increase in adult murder arrests. These facts, and the publicity that surrounded them, focused national attention on the juvenile violent crime problem.

Three points are worth considering:

- Juveniles are not responsible for most violent crimes: Based on FBI clearance data, in 1986 juveniles were responsible for 9% of all violent crimes (5% of all murders) and in 1996 they accounted for 13% of all violent crimes (8% of all murders). Although these statistics represent an increased share for juveniles, even in 1996 adults were responsible for 7 out of every 8 violent crimes.
- Juvenile violence is declining but is still at much higher levels than a decade ago: 1996 was the second year in a row the juvenile violent crime arrest rate declined (9% from the 1995 level). However, even with this decline, the number of juvenile violent crime arrests in 1996 was 60% above the 1987 level.
- Today's juveniles do not commit more acts of violence than did members of the previous generation, but more juveniles are violent. Research by NCJJ investigated whether there is a new breed of violent juveniles, or "superpredators." Study findings imply that recent increases in juvenile violent crime were not due to a new breed of juveniles who commit violent crimes with greater regularity, but to the fact that more of the juvenile population was being brought into the justice system for violent acts.

Sources: Snyder, H. 1997 (November). *Juvenile Arrests 1996*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention; Snyder, H. 1998. Serious, violent and chronic juvenile offenders: An assessment of the extent of and trends in officially-recognized serious criminal behavior in a delinquent population. In *Serious and Violent Juvenile Offenders: Risk Factors and Successful Intervention*, edited by Rolf Loeber and David Farrington. Thousand Oaks, CA: Sage Publications, Inc.

1995 legislative sessions to target increases in serious violent juvenile crime. The magnitude of change States undertook during the first half of the decade created a need to gauge the impact of those new laws, policies, and programs on juvenile offenders and the justice system and to continue monitoring new laws enacted in the mid-1990's. NCJJ used a four-pronged approach in conducting this update:

- An analysis of laws enacted in 1996 and 1997 that addressed serious and violent juvenile offenders.
- An indepth statutory analysis of current transfer provisions.
- A phone survey of key contacts in each State to identify substantive and procedural changes and the impact of those changes.
- Selection of three sites for indepth case studies to document the impact of changes at the State and local levels.

Legislative changes were identified by searching the LEGIS data bases on Westlaw® for those years. These data bases contain bills passed by the legislative bodies of the States; in the majority of cases, the Governor signs the bills into law. As a double-check, telephone survey respondents verified changes in a State and sent summaries of individual State legislation.

Jurisdictional Authority

Trend: *States continue to modify age/offense transfer criteria, allowing more serious and violent juvenile offenders to be tried as criminals; some are beginning to study the impact of new transfer laws.*

All States allow juveniles under certain conditions to be tried as if they were adults in criminal court by way of one or more transfer mechanisms (e.g., judicial waiver, prosecutorial direct filing, or legislative exclusion). The previous *State Responses* report documented that, from 1992 through 1995, all but 10 States modified their statutes, making it easier to prosecute juveniles in criminal court. Changes occurred because legislatures added significantly to the list of offenses eligible for criminal prosecution and/or lowered the age at which certain juveniles could be tried in criminal court. The underlying intent of such consistent change across the Nation was to ease and support the State's decision to punish and hold accountable those juveniles who had, by instant offense or history, passed a threshold of tolerated "juvenile" criminal behavior. Proponents of criminal court processing of juvenile offenders argue that the juvenile justice system is not punitive enough to protect society or hold juveniles accountable. Whether by intent or default, broader direct file and exclusion provisions also changed decisionmaking roles. Juvenile court judges have significantly less authority to make decisions regarding the venue for cases involving violent or other serious crime than they had prior to the 1990's. Either directly through prosecutorial direct filing or indirectly, by virtue of the charging process in exclusion cases, prosecutors clearly emerged with an expanded role in justice system responses to violent juvenile crime. In 1996–97, 25 States made changes to their transfer statutes.

This Bulletin expands or relabels the classifications used in the previous report to describe the variety of transfer mechanisms available for trying juveniles in criminal court. With increased knowledge about transfer statutes, the authors wanted the classifications to portray the essence of each provision and identify who has the authority for making the transfer decision. This was particularly important with respect to judicial waiver provisions that differ in the degree of decisionmaking flexibility they allow juvenile courts. Some make the waiver decision entirely discretionary; others set up a presumption in favor of waiver; and still others specify circumstances under which waiver is mandatory. Under all waiver provisions, a case against a juvenile must at least originate in juvenile court. As a result, the "judicial waiver" classification has been relabeled "discretionary waiver" and a "mandatory waiver" category has been added to refer to a situation in which the juvenile court

judge makes a decision in a case that *must* be waived. Previously, this provision was included in the "exclusion" classification because of its "shall" waive requirement (see table 1 for definitions of transfer classifications).

Judicial Waiver

Discretionary waiver. At the end of the 1997 legislative session, all but five States (Connecticut, Massachusetts, Nebraska, New Mexico, and New York) provided for discretionary waiver of certain juveniles to criminal court (see table 2). During 1996–97, four States lowered their discretionary waiver age limit, seven States added crimes, and four States added or modified prior record provisions (see table 3). The significant news is that Massachusetts removed its waiver provision in 1996 in favor of new direct file and exclusion provisions.

Mandatory waiver. At the end of 1997, 14 States had a mandatory waiver statute in which the juvenile court judge, after finding probable cause, must waive jurisdiction. None of these States modified their mandatory waiver provisions between 1996 and 1997. (Note: Seven States with mandatory waiver provisions—Connecticut, Kentucky, North Carolina, North Dakota, Ohio, Rhode Island, and West Virginia—were previously classified under statutory exclusion.)

Presumptive waiver. As of the end of the 1997 legislative session, 14 States and the District of Columbia (hereafter included with States in this Bulletin) had presumptive waiver provisions that designate a category of offenders in which waiver to criminal court is rebuttably presumed to be appropriate. In other words, the burden of proof shifts from the State to the juvenile to show amenability to juvenile justice system processing. In 1996–97, two States (Kansas and Utah) enacted new laws establishing presumptive waiver for certain cases.

Direct File

Direct file provisions (also known as concurrent jurisdiction) give the prosecutor the discretion to file charges in either the juvenile or criminal court. At the end of 1997, 15 States had direct file statutes. In 1996–97, five States modified existing provisions and three States (Arkansas, Massachusetts, and Montana) enacted new laws permitting direct filing.

Table 1: Definitions of Transfer Classifications

Transfer Classifications	Definition
Discretionary Waiver	A juvenile court judge may waive jurisdiction and transfer the case to criminal court typically based on factors outlined in the *Kent* v. *United States* [383 U.S. 541 (1996): 566–67] decision.
Mandatory Waiver	A juvenile court judge must waive jurisdiction if probable cause exists that the juvenile committed the alleged offense.
Presumptive Waiver	The burden of proof concerning a transfer decision is shifted from the State to the juvenile. Requires that certain juveniles be waived to criminal court unless they can prove they are suited to juvenile rehabilitation.
Direct File	The prosecutor decides which court will have jurisdiction over a case when both the juvenile and criminal courts have concurrent jurisdiction. Also known as prosecutor discretion or concurrent jurisdiction.
Statutory Exclusion	Certain juvenile offenders are automatically excluded from the juvenile court's original jurisdiction. Also known as legislative exclusion or automatic transfer.
Reverse Waiver	A criminal court judge is allowed to transfer "excluded" or "direct filed" cases from criminal court to juvenile court for adjudication.
Once an Adult/ Always an Adult	Once a juvenile is convicted in criminal court, all subsequent cases involving that juvenile will be under criminal court jurisdiction.

Georgia's Senate Bill 440 Project Tracks Outcomes

The Georgia Indigent Defense Council is working with the Governor's Children and Youth Coordinating Council and the Georgia Department of Juvenile Justice to track court process outcomes for juveniles arrested as adults under the State's recent exclusion law. The project is named after Senate bill 440, which became effective May 1, 1994.

The most recent reports of the project provide offense detail and race, age, and gender information for 2,400 juveniles arrested for "excluded" crimes. The reports document that the new law has primarily impacted African-American youth that make up about 80% of the arrests but only 34% of the juvenile population at risk of exclusion (13- to 17-year-olds). Other findings indicate that most offenders were male (97%) and about half (44%) were 16 years old at the time of arrest. The most common offense for minorities was armed robbery, whereas for whites it was aggravated child molestation. Work is pending on a report that will analyze court disposition information.

Source: Georgia Indigent Defense Council, Juvenile Advocacy Division. Winter 1998 and Spring 1998. *Juveniles Arrested as Adults Under SB440.* Atlanta, GA: Georgia Indigent Defense Council.

Table 2: Summary of Transfer Provisions, 1997

State	Judicial Waiver			Direct File	Statutory Exclusion	Reverse Waiver	Once an Adult/ Always an Adult
	Discretionary	Mandatory	Presumptive				
Totals:	**46**	**14**	**15**	**15**	**28**	**23**	**31**
Alabama	■				■		■
Alaska	■		■		■		
Arizona	■		■*	■	■	■	■
Arkansas	■			■		■	
California	■		■				■
Colorado	■		■	■		■	
Connecticut		■				■	
Delaware	■	■			■	■	■
Dist. of Columbia	■		■	■			■
Florida	■			■	■		■
Georgia	■	■		■	■	■	
Hawaii	■				(r–97)		■
Idaho	■				■		■
Illinois	■	■	■		■		
Indiana	■	■			■		■
Iowa	■				■	■	■
Kansas	■		■		(r–96)		■
Kentucky	■	■				■	
Louisiana	■	■		■	■		
Maine	■						■
Maryland	■				■	■	
Massachusetts	(r–96)			■	■		
Michigan	■			■			■
Minnesota	■		■		■		■
Mississippi	■				■	■	■
Missouri	■						■
Montana	■			■	■		
Nebraska				■		■	
Nevada	■		■		■	■	■
New Hampshire	■		■				■
New Jersey	■		■				
New Mexico					■		
New York					■	■	
North Carolina	■	■					
North Dakota	■	■	■				■
Ohio	■	■					■
Oklahoma	■			■	■	■	■
Oregon	■				■	■	■
Pennsylvania	■		■		■	■	■
Rhode Island	■	■	■				■
South Carolina	■	■			■	■	
South Dakota	■				■	■	■
Tennessee	■					■	■
Texas	■						■
Utah	■		■		■		■
Vermont	■			■	■	■	
Virginia	■	■		■		■	■
Washington	■				■		■
West Virginia	■	■					
Wisconsin	■				■	■	■
Wyoming	■			■		■	

Legend: ■ indicates the provision(s) allowed by each State as of the end of the 1997 legislative session; *By court rule; "r" indicates repealed
Source: Griffin, P., Torbet, P., and Szymanski, L. 1998. *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Statutory Exclusion

Statutory exclusion provisions (also referred to as automatic or mandatory transfer) automatically exclude certain juvenile offenders from the juvenile court's original jurisdiction. As they do with all transfer provisions, legislatures typically specify age and offense criteria. However, one application of exclusion—lowering the upper age of original juvenile court jurisdiction—excludes the largest number of juveniles from juvenile jurisdiction. Some State legislatures have excluded all 17-year-olds or all 16- and 17-year-olds from juvenile jurisdiction, making them adults for purposes of criminal prosecution.

As of the end of the 1997 legislative session, 28 States excluded certain categories of juveniles from juvenile court jurisdiction (see table 2). In 1996–97, Arizona and Massachusetts enacted new exclusion laws, and Hawaii and Kansas repealed their exclusion laws. Twelve States modified existing exclusion laws: 12 States added crimes; 1 State lowered the age limit; and 1 State added "lesser-included" offenses (i.e., offenses that fall outside those that are excluded are joined with listed excluded offenses) (see table 3).

Other Provisions

Reverse waiver. At the end of 1997, 23 States provided for reverse waiver, whereby a juvenile who is being prosecuted

Table 3: States Modifying or Enacting Transfer Provisions, 1996–97

Type of Transfer Provision	Action Taken (Number of States)	States Making Changes	Examples
Discretionary Waiver	Added crimes (7 States)	DE, KY, LA, MT, NV, RI, WA	Kentucky: 1996 provision permits the juvenile court to transfer a juvenile to criminal court if 14 years old and charged with a felony with a firearm.
	Lowered age limit (4 States)	CO, DE, HI, VA	Hawaii: 1997 provision adds language that allows waiver of a minor at any age (previously 16) if charged with first- or second-degree murder (or attempts) and there is no evidence that the person is committable to an institution for the mentally defective or mentally ill.
	Added or modified prior record provisions (4 States)	FL, HI, IN, KY	Florida: 1997 legislation requires that if the juvenile is 14 at the time of a fourth felony, and certain conditions apply, the State's attorney must ask the court to transfer him or her and certify the child as an adult or must provide written reasons for not making such a request.
Presumptive Waiver	Enacted provisions (2 States)	KS, UT	Kansas: 1996 legislation shifts the burden of proof to the child to rebut the presumption that the child is an adult.
Direct File	Enacted or modified (8 States)	AR, AZ, CO, FL, GA, MA, MT, OK	Colorado: 1996 legislation adds vehicular homicide, vehicular assault, and felonious arson to direct file statute.
Statutory Exclusion	Enacted provision (2 States)	AZ, MA	Arizona: 1997 legislation establishes exclusion for 15- to 17-year-olds charged with certain violent felonies.
	Added crimes (12 States)	AL, AK, DE, GA, IL, IN, OK, OR, SC, SD, UT, WA	Georgia: 1997 legislation adds crime of battery if victim is a teacher or other school personnel to list of designated felonies.
	Lowered age limit (1 State)	DE	Delaware: 1996 legislation lowers from 16 to 15 the age for which the offense of possession of a firearm during the commission of a felony is automatically prosecuted in criminal court.
	Added lesser-included offense (1 State)	IN	Indiana: 1997 legislation lists exclusion offenses, including any offense that may be joined with the listed offenses.

Arizona Juvenile Justice System Still Intact but With Expanded Transfer Provisions

In November 1996, voters approved an amendment to the Arizona constitution known as Proposition 102, the Stop Juvenile Crime Initiative. The amendment authorized the legislature or the people to enact by initiative or referendum substantive and procedural laws regarding all proceedings and matters affecting juveniles. The amendment was required so that new transfer laws would not be challenged for being unconstitutional. As a result, Senate bill (S.) 1446, the Juvenile Justice Reform Act, became law effective July 21, 1997, and implemented many provisions of the initiative. Whereas, prior to 1997, the State had only discretionary and presumptive waiver provisions, S. 1446 created the following:

- Statutory exclusion for 15-, 16-, or 17-year-olds charged with violent crime (murder, sexual assault, armed robbery, drive-by shooting, discharging a firearm at a structure, and aggravated assault with serious injury or use of a deadly weapon) or if the juvenile had two prior felony adjudications and was charged with any third felony.
- Direct file for 14-year-olds charged with a violent crime or if arrested for any third felony.
- Chronic offender classification with procedures for notice of possible consequences, dispositions, and determination of whether prior offenses occurred.
- Reverse waiver, where, at a pretrial hearing, a juvenile does not qualify as a chronic felony offender.
- Once an adult, always an adult, where, if a juvenile was previously tried and convicted in criminal court, any future offenses involving that juvenile will be tried in adult court.
- Proceedings and records open to the public.
- Mandatory sentencing, where, a juvenile age 14 and older adjudicated for any second felony in juvenile court must either serve mandated juvenile detention time, be incarcerated in the Arizona Department of Juvenile Corrections, or be placed under juvenile intensive supervision. The juvenile also may be tried as an adult.

The juvenile court retained its discretionary waiver provision over any juvenile felony offender. In addition, the legislature appropriated funds for the purpose of providing short-term detention for juveniles on intensive probation, for expanding the juvenile intensive supervision and progressively increasing sanction programs, and for investigating and prosecuting juvenile gang offenses.

in criminal court may petition to have the case transferred to juvenile court for adjudication or disposition. Reverse waiver statutes can mitigate sweeping exclusion or direct file provisions.

Once an adult/always an adult. At the end of 1997, 31 States had "once an adult/always an adult" exclusion provisions (see table 2). Such provisions require that once juvenile court jurisdiction is waived or the juvenile is prosecuted (and typically convicted) in criminal court, all subsequent cases involving that juvenile will be under criminal court jurisdiction. In 1996–97, Arizona, Indiana, Michigan, and Oklahoma enacted "once an adult/always an adult" provisions.

Judicial Disposition/ Sentencing Authority

Trend: *State legislatures continue to experiment with blended and other sentencing options, while changes in purpose clauses impact juvenile court dispositions.*

State Responses documented a trend by legislatures to make dispositions more offense-based as opposed to the more traditional, offender-based sanctions, with the goal of punishment or incapacitation rather than rehabilitation. This trend had resulted in dramatic shifts in judicial dispositional/ sentencing practices in three areas: (1) imposition of "blended sentences," (2) imposition of mandatory minimum sentences, and (3) extension of juvenile court jurisdiction for dispositional purposes beyond the age of majority. All of these options apply to a subset of serious or violent juvenile offenders as specified by statute. In 1996 and 1997, legislatures continued to adopt these sentencing provisions, but changes to juvenile court purpose clauses have altered the very foundation of the juvenile justice system with respect to dispositions (see sidebar p. 9).

Blended Sentencing

Blended sentencing statutes represent a dramatic change in dispositional/ sentencing options available to judges. Blended sentencing refers to the imposition of juvenile and/or adult correctional sanctions on serious and violent juvenile offenders who have been adjudicated in juvenile court or convicted in criminal court. The authors identified five basic models of blended sentencing; each applied to a subset of juvenile offenders specified by statute and usually defined by age and offense. In three of the models, the juvenile court has responsibility for adjudicating the case; in the remaining two models, the criminal court has jurisdiction, as follows:

- Juvenile—Exclusive Blend: either a juvenile or adult sanction.
- Juvenile—Inclusive Blend: both juvenile and adult sanctions.
- Juvenile—Contiguous: first juvenile, then adult sanctions (see sidebar "Texas Studies," p. 7).
- Criminal—Exclusive Blend: either a juvenile or adult sanction.
- Criminal—Inclusive Blend: both juvenile and adult sanctions.

At the end of the 1995 legislative session, 17 States had one or more blended sentencing options in place. (Note: West Virginia's 1985 criminal-exclusive blended sentencing statute was previously omitted.) Two years later, Virginia enacted another blended sentencing model (criminal-inclusive) for violent juvenile felony offenders, Massachusetts modified age/offense criteria for its blended sentencing option, and three States (Iowa, Kansas, and Oklahoma) enacted new blended sentencing provisions:

- Iowa passed a youthful offender law that represents the criminal-inclusive model.
- Kansas passed an extended jurisdiction juvenile law—an example of the juvenile-inclusive model.

- Oklahoma passed a youthful offender law similar to the criminal-exclusive model.

Mandatory Minimum Commitment Sentences

For the most part, mandatory minimum sentences are applied to serious or violent juvenile offenders tried as adults in criminal court. In 1997, the Oregon legislature retreated somewhat from earlier mandatory minimum prescriptions for these cases (see sidebar "Oregon Retreating," this page). Only Arizona enacted laws requiring juvenile court judges to impose a mandatory sentence (see sidebar, p. 6). In 1996 and 1997, legislatures also adopted juvenile court sentencing guidelines (see sidebar, p. 8).

Extended Jurisdiction

Every juvenile code sets an upper age of original juvenile court jurisdiction. All States also set an age to which the juvenile court's jurisdictions may be extended. Usually, such provisions allow the juvenile court judge to commit a juvenile to the juvenile corrections department for a longer period of time than the court's original jurisdiction, typically to age 21. In 1996 and 1997, five States (Florida, Kansas, Kentucky, Montana, and Tennessee) increased the age for extended juvenile court jurisdiction, typically for a subset of serious and violent juvenile offenders.

Corrections Programming

Trend: *States supplement continued emphasis on institutional programming with locally administered interventions that stress public safety and offender accountability.*

State Responses noted that increases in violent crime by juveniles and changes in transfer and sentencing laws designed to punish them resulted in dramatic shifts in corrections programming. Adult corrections systems were challenged to develop programming for younger inmates. Juvenile corrections systems were burdened by an influx of older, more violent offenders who stayed for longer periods of time. The challenges to adult and juvenile corrections systems across the country resulted in several models of secure corrections programming for young offenders (see sidebar "Louisiana Supreme Court," p. 12).

Texas Studies the Impact of Its Tougher Juvenile Incarceration Policy

In 1987, the Texas legislature enacted a determinate sentencing law that is an example of the juvenile-contiguous blended sentencing model, whereby, for certain offenses the juvenile court may impose a sentence that may remain in effect beyond its extended jurisdiction. The application of determinate sentences in Texas has grown since the late 1980's. In 1995, the legislature expanded the number of offenses that qualify for the most severe sentences, and it added an additional crime in 1997.

Accompanying these changes, the legislature established a progressive sanctions framework for juvenile dispositions based upon the severity of the offense and prior offense history. Determinate sentences acquired the status of the most severe tier of a seven-level system of progressive sanctions. The legislature made application of the progressive sanctions guidelines voluntary but required that deviations be reported to the Texas Juvenile Probation Commission. It also required the Criminal Justice Policy Council (CJPC) to analyze and report on the implementation of the guidelines.

In October 1997, CJPC issued a report that profiles the offenders disposed by juvenile courts under the determinate sentencing procedure. Between 1990 and 1996, the number of juveniles committed to the Texas Youth Commission (TYC) with determinate sentences more than quadrupled from 48 to 207, representing approximately 8% of all TYC commitments compared with 2% in 1990. These cases received average sentences ranging from 8 years for aggravated assault to 16 years for murder.

Source: Fabelo, T. 1997. *Determinate Sentencing: Examining Growing Use of the Tougher Juvenile Incarceration Penalty.* Austin, TX: Criminal Justice Policy Council.

Oregon Retreating Somewhat From Mandatory Minimum Sentencing Provisions for Juveniles

In 1995, the Oregon legislature fundamentally rewrote the mission statement of the juvenile justice system. The legislation, known as Senate bill (S.) 1, changed the purpose of the juvenile justice system from a child welfare approach to a system that promotes accountability, responsibility, and punishment. Among the many changes that were enacted in 1995, the expanded use of mandatory minimum sentencing guidelines set forth in Ballot Measure 11 gave strength to the State's new emphasis on punishment and accountability.

The provision required that any juvenile age 15, 16, or 17 at the time of the offense who is charged with committing murder, first- or second-degree assault, or first- or second-degree robbery must be tried as an adult in criminal court. Conviction for such an offense would result in a mandatory minimum sentence, varying in length from 5 to 25 years, depending on the crime. Any youth convicted of one of these offenses would be placed in the physical custody of the Oregon Youth Authority (OYA) while legal custody would remain with the Department of Corrections (DOC). OYA can keep an offender until age 25, after which the youth may be placed in the physical custody of adult corrections (DOC).

However, with the passage of S. 1049 in 1997, Oregon showed early signs of a retreat from mandatory minimums by making several adjustments. Essentially, juveniles convicted of second-degree robbery, second-degree assault, or second-degree kidnaping may receive sentences other than the mandatory minimum if certain conditions are met. The criteria to be considered vary by the offense and include factors such as whether the victim was physically injured, whether a deadly weapon was used, and whether this was a juvenile's first offense. If not a first offense, the number and type of prior convictions are taken into account. Upon consideration of such criteria, the sentencing judge may deviate from the mandatory minimums spelled out in Ballot Measure 11.

Whereas the earlier trend entailed new secure institutional capacity to handle the presumed onslaught of violent juvenile offenders, the recent trend has been toward authorizing and funding the development of community-based interventions and supervision of these offenders within a framework of public safety and offender accountability (see table 4, page 9, and sidebar "Implementing Extended Juvenile Jurisdiction," p. 12).

Confidentiality of Juvenile Court Records and Proceedings

Trend: *States continue to deemphasize traditional confidentiality concerns while emphasizing information sharing.*

State Responses documented that during the early 1990's, States made significant changes in how the juvenile justice system treats information about juvenile offenders, particularly violent juvenile offenders. As juvenile crime became more serious, community protection, the public's right to know, and service providers' need to share information displaced the desire to protect minors from the stigma of youthful indiscretions. Legislatures across the Nation have increasingly called for a presumption of open hearings and records, at least for a subset of juvenile offenders. The trend toward openness continued in the 1996 and 1997 legislative sessions.

Public Juvenile Hearings

In 1996–97, six States enacted new laws that opened juvenile court hearings to the public, at least for specified violent or other serious crimes; six States modified existing statutes (see table 6). As of the end of the 1997 legislative session, 30 States required or permitted open juvenile court hearings of cases involving either juveniles charged with violent or other serious offenses or juveniles who are repeat offenders (see table 5).

Release/Publication of Juvenile's Name. As more States allow access to juvenile court hearings, so too are they allowing the release or publication of a juvenile's name and address. In 1996–97, three States passed legislation that gives the general public and/or media access to the name and address of a minor adjudicated delinquent for specified serious or violent crimes; in some cases this also applies to repeat offenders. Thirteen States modified existing provisions (see table 6). As of the end of the 1997 legislative session, 42 States permitted the release of a juvenile's name, address, and/or picture to the media or general public under certain conditions (see table 5).

Juvenile Court Records

Juvenile courts and probation departments collect information about juvenile offenders in legal records such as petitions, findings, orders and decrees, and social history records that include documents and reports on the juvenile's prior legal history, family background, and personality. Juveniles are also the subjects of law enforcement records that can include fingerprints, photographs, offense and investigation reports, education records, treatment agency records, child protective services records, medical records, and records of psychological or psychiatric evaluations.

With respect to serious and violent juvenile offenders, State legislatures have made changes to the confidentiality of juvenile court records, typically the legal record, in the following areas: access to

Continued on page 12

Juvenile Court Sentencing Guidelines in Two States

In 1997, the Utah legislature provided for the application of juvenile sentencing guidelines when preparing a dispositional report and recommendation in a delinquency action. A commission was appointed to:

> "develop guidelines and propose recommendations to the legislature, the governor and the State Judicial Council about sentencing and release of juvenile and adult offenders in order to:
>
> 1) respond to public comment;
>
> 2) relate sentencing practices and correctional resources;
>
> 3) increase equity in criminal sentencing;
>
> 4) better define responsibility in criminal sentencing; and
>
> 5) enhance the discretion of sentencing judges while preserving the role of the . . . Youth Parole Authority."

The probation officer is to consider the juvenile sentencing guidelines when preparing the dispositional report and recommendations. In addition to determining the offender's level of current and previous offense history and corresponding sentence, probation officers are to consider a list of aggravating and mitigating circumstances. The Utah Court Administrator's Office is testing a computer-generated juvenile sentencing guideline notice to assist officers in reviewing a juvenile's prior record.

In 1997, the Wyoming legislature established guidelines for progressive sanctions for adjudicated delinquent youth. Their purpose is to:

> "1) ensure that juvenile offenders face uniform and consistent consequences and punishments that correspond to the seriousness of each offender's current and prior offense history, special treatment or training needs and effectiveness of prior interventions;
>
> 2) balance public protection and rehabilitation while holding offenders accountable;
>
> 3) permit flexibility in the decisions made;
>
> 4) consider the juvenile offender's circumstances; and
>
> 5) improve juvenile justice planning and resource allocation by ensuring uniform and consistent reporting of disposition decisions."

The new law describes the five sanction levels, the procedures for applying each, and guidelines for dispositions of an offender's subsequent adjudications. It also lists juvenile court sanctions common to all levels and specific sanctions relating to each individual level.

Table 4: States Making Provision for Development of Community-Based Interventions, 1996–97

Action Taken (Number of States)	States Making Changes	Examples
Authorizes increase in, planning for, or appropriation for secure institutional or detention beds (10 States)	AR, AZ, CO, HI, ID, KS, MS, NJ, NV, TX	Arizona: 1997 legislation establishes fund and appropriates money to assist counties in maintaining, expanding, and operating juvenile detention centers and appropriates additional money to provide short-term detention for juveniles on intensive probation.
Authorizes or mandates special programs in institutions (3 States)	MN, NJ, SD	Minnesota: 1997 legislation requires commissioner of corrections to begin operating a juvenile sex offender treatment program at Red Wing Correctional Facility.
Establishes, authorizes, or mandates nonresidential programs or pilots (11 States)	AR, CA, FL, HI, ME, MN, OR, RI, TX, UT, VT	Oregon: 1997 legislation allows counties to establish demonstration projects that assume local management for certain delinquents to reduce reliance on State's secure custody; youth/parent accountability, public safety, and victim needs are paramount.
Appropriates funds for violence or delinquency prevention (5 States)	AR, CA, HI, MN, WA	Hawaii: 1997 legislation appropriates money for delinquency prevention services.
Appropriates funds for community-based programs (7 States)	AZ, CA, MN, MS, NC, OK, WY	North Carolina: 1997 legislation appropriates money for a juvenile assessment demonstration project.
Directs development of outcome measures (3 States)	MN, OR, WA	Washington: 1997 legislation recognizes importance of evaluation and outcome measurement and authorizes the Washington State Institute for Public Policy to develop a definition of recidivism and standards for measuring the effectiveness of new juvenile accountability programs.
Directs study (9 States)	MI, MN, MT, NC, ND, OH, RI, TX, WA	Ohio: 1997 legislation extends date for State Criminal Sentencing Commission to submit a report with recommendations related to juvenile justice.

Changes in Purpose Clause Have an Impact on Juvenile Court Dispositions

While most of the activity during the first half of the 1990's revolved around treating more juveniles as criminals, recently there has been an attempt to strike a balance between offender accountability, competency development, and public protection within the juvenile justice system. Often, lawmakers incorporate this "balanced approach" language into a new purpose clause that will have an impact on dispositions for serious and violent juvenile offenders as more courts and probation departments develop a range of sanctions at the local level. Efforts to implement balanced approach and/or restorative justice philosophies across the full spectrum of juvenile justice system interventions and incorporate victims and communities affected by juvenile crime, require a monumental task of system transformation. As of the end of the 1997 legislative session, 17 States had redefined their juvenile court purpose clauses to emphasize public safety, certain sanctions, and/or offender accountability.

Sources: Klein, A. 1996. The other revolution in juvenile justice legislative reform: Balanced restorative justice. Unpublished paper; Torbet, P., and Douglas, T. 1997 (October). Balanced and restorative justice: Implementing the philosophy. *Pennsylvania Progress* 4(3). Pittsburgh, PA: National Center for Juvenile Justice.

Table 5: Summary of Provisions Limiting Confidentiality for Serious and Violent Juvenile Offenders, 1997

State	Open Hearing	Release of Name	Release of Court Record[1]	Statewide Repository[2]	Finger-printing	Photo-graphing	Offender Registration	Seal/Expunge Records Prohibited
Totals:	**30**	**42**	**48**	**44**	**47**	**46**	**39**	**25**
Alabama			■	■	■	■	■	
Alaska	■	■	■	■	■	■	■	■
Arizona	■	■	■	■	■	■	■	
Arkansas		■	■	■	■	■	■	
California	■	■	■	■	■	■	■	■
Colorado	■	■	■	■	■	■	■	■
Connecticut			■		■	■		
Delaware	■	■	■	■	■	■	■	■
Dist. of Columbia			■		■	■		
Florida	■	■	■	■	■	■	■	■
Georgia	■	■	■	■	■	■		■
Hawaii	■	■	■	■	■	■	■	
Idaho	■	■	■	■	■	■	■	
Illinois		■	■	■	■	■	■	
Indiana	■	■	■	■	■	■	■	
Iowa	■	■	■	■	■	■	■	■
Kansas	■	■	■	■	■	■	■	■
Kentucky		■	■	■	■	■		■
Louisiana	■	■	■	■	■	■	■	■
Maine	■	■	■	■			■	
Maryland	■		■	■	■	■		
Massachusetts	■	■	■	■	■	■	■	
Michigan	■	■	■	■	■	■	■	■
Minnesota	■	■	■	■	■	■	■	■
Mississippi		■	■		■	■	■	
Missouri	■	■	■	■	■	■		
Montana	■	■	■	■	■	■	■	■
Nebraska		■	■	■	■			
Nevada	■	■	■	■	■	■	■	■
New Hampshire		■	■			■	■	
New Jersey		■	■	■	■	■	■	
New Mexico	■			■	■	■	■	
New York			■	■	■	■		
North Carolina			■		■	■	■	■
North Dakota		■	■	■	■	■		
Ohio				■	■	■	■	
Oklahoma	■	■	■	■	■	■		■
Oregon		■	■	■	■	■	■	■
Pennsylvania	■	■	■	■	■	■	■	
Rhode Island		■	■	■			■	
South Carolina		■	■	■	■	■	■	■
South Dakota	■	■	■	■	■	■	■	■
Tennessee		■	■	■	■	■	■	
Texas	■	■	■	■	■	■	■	■
Utah	■	■	■	■	■	■	■	■
Vermont					■	■		
Virginia	■	■	■	■	■	■	■	■
Washington	■	■	■	■	■	■	■	■
West Virginia		■	■		■			■
Wisconsin	■	■	■	■			■	
Wyoming		■	■	■	■	■	■	■

Legend: ■ indicates the provision(s) allowed by each State as of the end of the 1997 legislative session.

[1]In this category, ■ indicates a provision for juvenile court records to be specifically released to at least one of the following parties: the public, the victims(s), the school(s), the prosecutor, law enforcement, or social agency; however, all States allow records to be released to any party who can show a legitimate interest, typically by court order. [2]In this category, ■ indicates a provision for fingerprints to be part of a separate juvenile or adult criminal history repository.

BEST COPY AVAILABLE

Table 6: States Modifying or Enacting Confidentiality Provisions, 1996–97

Action Taken (Number of States)	States Making Changes	Examples
Public juvenile hearings (12 States)	AK, DE, FL, HI, ID, IN, KS, MA, MD, SD, UT, VA	Idaho: 1997 legislation adds language stating that juvenile hearings must be open to the public in all proceedings against a juvenile 14 or older who is petitioned or charged with an offense that would be a felony if committed by an adult.
Release or publication of juvenile's name (16 States)	AK, AR, CA, HI, IA, IN, KY, MT, NH, ND, OR, SC, TX, VA, WA, WY	Iowa: 1997 legislation adds new subsection stating that if a juvenile who has been placed in detention escapes from the facility, the juvenile's name may be released by the criminal or juvenile justice agency.
Juvenile Court Records	**States Making Changes**	**Examples**
Disclosure of juvenile court records (29 States)	AL, AZ, CA, CO, DE, GA, HI, IA, ID, IL, IN, KS, KY, MA, MD, ME, MN, MT, ND, NV, OK, OR, RI, TX, UT, VA, WA, WV, WY	Wyoming: 1997 legislation authorizes the public disclosure of records in any case in which a minor is adjudicated delinquent for the commission of a violent felony, excluding any proceeding involving a seriously emotionally disturbed child.
Notice to schools (19 States)	AL, AZ, CA, FL, GA, KY, LA, MO, MT, NC, ND, NV, OK, OR, SC, TN, UT, VA, WA	North Dakota: 1997 legislation adds a provision that if a child is adjudicated delinquent for a sexual assault, the court must notify the superintendent of the school district and the principal of the school the child attends of the disposition.
Centralized repository of juvenile record histories or fingerprinting and photographing (12 States)	AL, AZ, AR, CA, GA, ID, IN, MN, NV, OK, RI, VA	Virginia: 1997 legislation adds language stating that if a juvenile 14 or older is charged with a violent juvenile felony, as defined, copies of his or her fingerprints and a report of the disposition must be forwarded to the Central Criminal Records Exchange.
Criminal court use of defendant's juvenile record (7 States)	CA, FL, GA, IA, KY, OK, OR	Oklahoma: 1997 legislation adds language stating that as part of the presentence investigation report for an adult convicted of a violent felony, the department of corrections must look at the adult's juvenile record.
Registration of sexual offenders/ DNA (24 States)	AL, AR, CA, CO, HI, ID, IN, LA, MA, MN, MS, MT, NC, NH, NM,NV, OR, RI, SC, SD, TX, VA, WA, WY	South Dakota: 1997 legislation provides that if a juvenile 15 or older is adjudicated of a sex crime or felony sexual contact, he or she must register with the sex offender registry. These individuals can petition for removal from the registry after showing that they have not been adjudicated or convicted of any sex offense for at least 10 years and they are no longer a threat to reoffend.
Sealing or expungement of juvenile court records (13 States)	AK, CA, CO, FL, KS, KY, LA, MN, NV, OK, VA, WA, WV	Nevada: 1997 legislation provides that with limited exceptions, if a child is adjudicated delinquent for a category A or B felony and the act was a sexual offense or involved the use or threatened use of force or violence against the victim, the records relating to the child must not be sealed.

Continued from page 8

or disclosure of information, use of record information, and sealing or expunging of records.

Disclosure of information. Formerly confidential juvenile court records are increasingly being made available to a wide variety of people. The "need to know" argument necessitates proper disclosure of information among youth-serving agencies. Many States open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence or crimes in which a deadly weapon is used. Congress has also identified the importance of information sharing, having appropriated funding to States under the Juvenile Accountability Incentive Block Grants program to "establish and maintain interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts."

In 1996–97, 27 States modified existing provisions that allow disclosure of information contained in juvenile court records; 2 States enacted new laws (see table 6). As of the end of the 1997 legislative session, 48 States allowed juvenile court record information to be specifically released to at least one of the following parties: the public, victims, schools, prosecutors, law enforcement, or social agencies. However, all States allowed records to be released to any party who can show a legitimate interest, typically by court order (see table 5).

A subset of the disclosure issue is notification rights of both schools and victims (the following section discusses victims rights). Notice to schools represents an area of increased openness of juvenile court information. In 1996–97, 11 States enacted new laws permitting or requiring the court to notify the school district regarding a juvenile charged/convicted of a serious or violent crime; 8 States modified existing statutes (see table 6).

Use of records. Aside from disclosing or sharing information across systems for the purpose of better coordinating services, legislatures have made provisions in three areas of juvenile record use: (1) central repository of juvenile record histories/fingerprinting and photographing, (2) the criminal court's use of defendants' juvenile records, and (3) registration of sex offenders.

Central Record Repositories. Statewide repositories can include adult records only, adult records separate from juvenile records, or adult and juvenile records combined. Centralized data bases facilitate and support law enforcement and court intake operations. Even when not

Louisiana Supreme Court Strikes Down Statute Authorizing Administrative Transfer of Delinquent Youth to Adult Facilities

During the 1997 legislative session, Louisiana enacted a law that required juveniles adjudicated delinquent by the juvenile court to be transferred at age of majority (17), without the benefit of a hearing, to adult corrections facilities to serve the remainder of their juvenile court disposition. (Note: South Carolina has a long-standing statute that authorizes a similar procedure.)

The Louisiana code, effective July 14, 1997, was promptly challenged in the East Baton Rouge Parish Juvenile Court and ultimately struck down by the Louisiana Supreme Court as a violation of a juvenile's due process rights guaranteed under the State constitution. The provision would have required juveniles to perform hard labor without an opportunity for a jury trial. In its legal opinion, the Court provided a historical synopsis of the juvenile justice system and important features of the system and commented:

> "The changing nature of juvenile crime has engendered changes in the nature of the juvenile delinquency adjudication which have blurred the distinction between juvenile and adult procedures. . . . The legislation before us today represents a wholesale reversal of one hundred years of state policy wherein adjudicated juvenile delinquents have been treated in a non-criminal fashion. . . . The hallmark of special juvenile procedures is their non-criminal nature. If, after adjudication in the juvenile court, the juvenile can be committed to a place of penal servitude and required to perform hard labor alongside convicted felons, then the entire claim of parens patriae becomes a hypocritical mockery." [*In re* C.B., R.B., T.C., R.C., S.C., No. 97–KA–2783 (La., 3/11/98)].

Implementing Extended Juvenile Jurisdiction in Hennepin County, MN

In an extended jurisdiction juvenile (EJJ) proceeding authorized by the legislature in 1995, the juvenile court judge imposes both a juvenile and an adult sentence; the adult sanction is suspended pending successful completion of the juvenile disposition. The juvenile court has jurisdiction over EJJ matters until the offender turns 21 (19 for other delinquents).

In 1996, 120 juveniles were designated EJJ in Hennepin County (Minneapolis). The Community Corrections Department devised an EJJ Services Plan for supervising these cases in the community with a continuum of services that includes secure and nonsecure placements, community-based programming, probation supervision, family-based or independent living arrangements, and aftercare. In addition, the department established a new EJJ probation team to assess and supervise all EJJ-designated offenders. The team's mission is to promote public safety and provide the placements and services required to keep these juveniles in the community and out of prison. The probation team works closely with community outreach workers and volunteers in community-based offices.

Source: Bryan, F. 1997. *Hennepin County Community Corrections Extended Jurisdiction Juvenile Services Plan.* Minneapolis, MN: Hennepin County Community Corrections.

available to the public, juvenile court records can become part of the State criminal recordkeeping system. Fingerprints often serve as the basis of the record. In 1996–97, 1 State enacted a law requiring the juvenile court to provide automated fingerprints, personal identification data, and other pertinent information to the State repository; 11 States modified their laws (see table 6). At the end of the 1997 legislative session, 44 States required information about violent juvenile offenders, typically fingerprints and identifying information, to be part of a statewide central repository, either as part of the adult criminal history repository or as a separate juvenile repository (see table 5).

As of the end of the 1997 legislative session, 47 States allowed juveniles who were arrested to be fingerprinted. This is usually reserved for juveniles who have reached a specific age or have been arrested for felony offenses. Four States (Maine, New Hampshire, Rhode Island, and Wisconsin) make no mention of fingerprinting juveniles in their statutes or court rules. Forty-six States allowed photographing of juveniles ("mug shots" for criminal history files) under certain circumstances (see table 5).

Criminal Court Use of Defendant's Juvenile Record. Every State provides for prosecutor and/or criminal court access to juvenile records of adult defendants at some point in the judicial process; however, there is considerable variation in the weight accorded juvenile dispositions in calculating adult criminal history scores (Miller, 1995). In 1996–97, six States enacted new laws permitting or requiring consideration of juvenile court records; one State modified its existing statute (see table 6).

Registration of Sex Offenders. In 1996–97, 14 States enacted laws requiring certain juveniles to register with the sex offender registry; 10 States modified existing sex offender registration laws (see table 6). One group of laws requires registration of sexually violent offenders; another allows the collection of blood and saliva specimens for DNA purposes from juvenile offenders arrested and/or adjudicated for sex offenses and murder. As of the end of the 1997 legislative session, 39 States required juvenile registration for specific sex offenses (see table 5).

Sealing/expungement of juvenile court records. Most juvenile court statutes make provision for disposing of a juvenile's legal or social history record. Typically, statutes stipulate the method of record disposition (e.g., sealing, expunging, or destroying) and the conditions that must be met (e.g., no new offenses), usually providing for the sealing of records for a given time period and then, at the expiration of that time, the destruction of those records. Changes with respect to sealing/expungement are of two types: those that increase the number of years that a juvenile record must remain open and those that prohibit sealing or expungement if a juvenile committed a violent or other seri-

Table 7: States Modifying or Enacting Victim Legislation, 1996–97

Provision (Number of States)	States Making Changes	Examples
Allows victim to appear at a juvenile's hearing (9 States)	AK, AZ, CA, IA, KY, NH, OK, SD, VA	Alaska: 1997 legislation permits a victim to be present at all juvenile hearings.
Allows victim to submit an impact statement (3 States)	CA, IA, VT	Iowa: 1997 legislation permits a victim to submit an oral or written impact statement following the preliminary inquiry.
Gives victim timely notice of release or escape (3 States)	AK, AZ, MD	Arizona: 1996 legislation requires the State to give the victim immediate notice of a delinquent's escape or release from custody.
Gives victim notice of a hearing (4 States)	AZ, KY, MD, VA	Virginia: 1996 legislation requires that a victim be notified of a juvenile's hearing.
Discloses information (12 States)	AK, AL, CA, IA, IN, KY, ME, MT, NH, NV, OR, SC	Indiana: 1997 legislation gives victims access to court and law enforcement records.
Defines victims rights (10 States)	AZ, FL, IA, MA, MD, MT, ND, NV, OR, TX	Massachusetts: 1996 legislation allows victims to bring a photo of a murder victim into court.
Establishes bill of rights for juvenile crime victims or includes them under existing bill of rights (4 States)	FL, MD, UT, WY	Florida: 1997 legislation places juvenile crime victims under the Crimes Compensation Act. Wyoming: 1997 legislation creates a victims bill of rights.
Creates a victims bureau (2 States)	OH, OR	Ohio: 1997 legislation establishes an office in the Department of Youth Services to provide victim services.

ous felony. In 1996–97, four States enacted laws regarding sealing/expungement of juvenile court records; nine States modified existing laws (see table 6). As of the end of the 1997 legislative session, 25 States had statutes or court rules increasing the number of years that must pass before sealing is allowed or prohibiting sealing/expungement of a violent juvenile offender's record (see table 5).

Victims of Juvenile Crime

Trend: *Victims and victims organizations have increased visibility and active participation in the juvenile justice process.*

More and more juvenile courts and probation departments are considering the principles of restorative justice. This model recognizes that when an offense occurs, an obligation to the victim and community is incurred and that victims must be active participants in the justice process. State legislatures have publicly acknowledged juvenile crime victims by passing laws that recognize the harm and inconvenience they experience and their need for reparations. From 1992 through 1995, 20 States enacted laws that extended certain rights to juvenile crime victims.

In 1996 and 1997, an additional 12 States added victims provisions: Indiana, Kentucky, Maine, Maryland, Massachusetts, Nevada, New Hampshire, Ohio, Oklahoma, Oregon, South Carolina, and Vermont. Most of the new legislation focused on three main areas: disclosure of information about the offender and his or her family (12 States); defining victims rights (10 States); and opening hearings to victims (9 States) (see table 7, p. 13). Additional areas that increased the role of victims in the process include:

- Notifying victims of hearings or offenders' release from custody.
- Establishing a victims bill of rights for juvenile crime victims or including them under an existing victims bill of rights.
- Submitting a victim impact statement.
- Establishing a victims bureau for dispensing services.

References

Bryan, F. 1997. *Hennepin County Community Corrections Extended Jurisdiction Juvenile Services Plan.* Minneapolis, MN: Hennepin County Community Corrections.

Fabelo, T. 1997. *Determinate Sentencing: Examining Growing Use of the Tougher Juvenile Incarceration Penalty.* Austin, TX: Criminal Justice Policy Council.

Georgia Indigent Defense Council, Juvenile Advocacy Division. Winter 1998 and Spring 1998. *Juveniles Arrested as Adults Under SB440.* Atlanta, GA: Georgia Indigent Defense Council.

Griffin, P., Torbet, P., and Szymanski, L. 1998 (November). *Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions.* Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Klein, A. 1996. The other revolution in juvenile justice legislative reform: Balanced restorative justice. Unpublished paper.

Miller, N. 1995 (October). *State Laws on Prosecutors' and Judges' Use of Juvenile Records.* Research in Brief. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Snyder, H. 1997 (November). *Juvenile Arrests 1996.* Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. 1998. Serious, violent and chronic juvenile offenders: An assessment of the extent of and trends in officially-recognized serious criminal behavior in a delinquent population. In *Serious and Violent Juvenile Offenders: Risk Factors and Successful Intervention*, edited by Rolf Loeber and David Farrington. Thousand Oaks, CA: Sage Publications, Inc.

Torbet, P., and Douglas, T. 1997 (October). Balanced and restorative justice: Implementing the philosophy. *Pennsylvania Progress* 4(3). Pittsburgh, PA: National Center for Juvenile Justice.

Related Readings

In addition to this Bulletin, a related publication presenting NCJJ findings from a comprehensive analysis of State transfer provisions is forthcoming (*Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions*. Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ #172836). To obtain a copy of this Report or other OJJDP publications that focus on serious and violent juvenile crime, visit OJJDP's Web site (www.ncjrs.org/ojjhome.htm) or contact the Juvenile Justice Clearinghouse by telephone at 800–638–8736; by mail at P.O. Box 6000, Rockville, MD 20849–6000; or by e-mail at askncjrs@ncjrs.org.

This Bulletin was prepared under cooperative agreement number 95–JN–FX–K003 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

For More Information

For more information on juvenile justice, contact one of the following agencies.

Juvenile Justice Clearinghouse (JJC)

JJC offers quick and easy access to juvenile justice information to the general public and those in the justice field. JJC distributes publications, provides online access, responds to requests for assistance, attends and supports conferences, and maintains a library and online accessible data base of more than 35,000 juvenile justice references.

Juvenile Justice Clearinghouse
P.O. Box 6000
Rockville, MD 20849–6000
800–638–8736 (8:30 a.m.–7 p.m. ET)
301–519–5212 (Fax)
800–638–8736 (Fax-on-Demand; select 1, select 2, and listen for instructions)
E-Mail: askncjrs@ncjrs.org
Internet: www.ncjrs.org/ojjhome.htm

National Center for Juvenile Justice (NCJJ)

NCJJ's mission is effective justice for children and families. This mission is carried out through research and technical assistance activities. The Center is the leading source of statistics on juveniles as offenders and victims, comparative analyses of juvenile code provisions and case law, program evaluation and planning, management information system development, and policy development. NCJJ is the research division of the National Council of Juvenile and Family Court Judges and provides assistance to juvenile and family court judges, probation and other juvenile corrections administrators, the media, attorneys, State and Federal legislatures, social and legal researchers, child and family advocates, and the public.

National Center for Juvenile Justice
710 Fifth Avenue
Pittsburgh, PA 15219–3000
412–227–6950
412–227–6955 (Fax)
E-Mail: ncjj@nauticom.net
Internet: www.ncjj.org

National Conference of State Legislatures (NCSL)

NCSL is a bipartisan organization dedicated to serving the lawmakers and staffs of the Nation's 50 States and its commonwealths and territories. The Conference offers many services such as assisting with information requests, providing consulting services, training legislators and their staff members, hosting meetings and seminars, providing online information services to legislatures and the public, and disseminating vital information through many publications.

National Conference of State Legislatures
1560 Broadway, Suite 700
Denver, CO 80202
303–830–2200
Internet: www.ncsl.org/public/guide/htm

Share With Your Colleagues

Unless otherwise noted, OJJDP publications are not copyright protected. We encourage you to reproduce this document, share it with your colleagues, and reprint it in your newsletter or journal. However, if you reprint, please cite OJJDP and the authors of this Bulletin. We are also interested in your feedback, such as how you received a copy, how you intend to use the information, and how OJJDP materials meet your individual or agency needs. Please direct your comments and questions to the Juvenile Justice Clearinghouse (see "For More Information" above).

Acknowledgments

This Bulletin was written based on research conducted by several staff of the National Center for Juvenile Justice (NCJJ): Patrick Griffin, Hunter Hurst IV, Imogene Montgomery, Charles Puzzanchera, and Douglas Thomas. Patricia Torbet is a Senior Research Associate and Linda Szymanski, J.D., is the Director of Legal Research at NCJJ. Funds to support the Technical Assistance to the Juvenile Court Project were provided by OJJDP. Michael Goodnow is the OJJDP Program Manager for this work. Sara Pula, of the Juvenile Justice Clearinghouse, edited this Bulletin.

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

Washington, DC 20531

Official Business
Penalty for Private Use $300

BULK RATE
U.S. POSTAGE PAID
DOJ/OJJDP
Permit No. G–91